

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 5/9/2013

Case Number see below

Case Style: USA vs. Vivek Shah

Type of hearing Plea Hearing

Before the honorable: 2516-Berger

Court Reporter Lisa Cook

Courtroom Deputy Kierstin Tudor

Attorney(s) for the Plaintiff or Government R. Booth Goodwin II & Steven Ruby

Attorney(s) for the Defendant(s) Debra Kilgore

Law Clerk Jacquelyn Jones

Probation Officer Alex Alvarez

Trial Time

### Non-Trial Time

Plea Hearing

### Court Time

10:04 am to 11:02 am

Total Court Time: 0 Hours 58 Minutes Non-Trial Time/Uncontested Time

### Courtroom Notes

Case Nos: 5:12-cr-172 & 5:13-cr-127

Scheduled Start 10:00 a.m.

Actual Start 10:04 a.m.

Defendant present in person and by counsel.

Counsel note appearances on the record.

Defendant placed under oath.

Court FINDS Defendant competent to go forward.

Mr. Ruby summarizes plea agreement.

Court DEFERS acceptance of plea agreement but ORDERS original plea agreement filed.

Defendant waives reading of Superseding Indictment in Case 5:12-cr-172.

Defendant pleads guilty to Count 2 in Case 5:12-cr-172.

Court reads statute with which Defendant is charged in Case 5:12-cr-172.

Defendant advised of elements of offense which Government would have to prove at trial as to this charge.

Defendant gives his account of the offense.

Government provides a proffer re: factual basis for the plea in Case 5:12-cr-172.

Defendant waives reading of Indictment in Case 5:13-cr-127.

Defendant pleads guilty to Counts 1-7 in Case 5:13-cr-127.

Court reads statute with which Defendant is charged in Case 5:13-cr-127.

Defendant advised of elements of offense which Government would have to prove at trial as to this charge.

Defendant gives his account of the offense.

Government provides a proffer re: factual basis for the plea in Case 5:13-cr-127.

Defendant advised of the penalties which may apply based upon the pleas.

Defendant advised of right to plead not guilty, to remain silent, and to stand trial.

Defendant executes written guilty plea form; same ORDERED filed.

Court FINDS Defendant is competent and capable of entering an informed plea.

Court FINDS sufficient factual basis for Defendant's pleas.

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Court FINDS that Defendant understands the consequences of the pleas.  
Court FINDS that Defendant understands the rights being given up.  
Court FINDS Defendant's pleas to be voluntary.  
Court ACCEPTS pleas.  
Court DEFERS adjudication of guilt pending receipt of the presentence report.  
Sentencing SCHEDULED for September 11, 2013, at 1:30 p.m.  
Defendant REMANDED pending sentencing.  
Court GRANTS Government's request to provide a copy of the plea agreement to the victims.  
Court recessed at 11:02 a.m.

[NOTE: Hearing time split between Case Nos. 5:12-cr-172 & 5:13-cr-127]